

DRAFT

**Minutes
Windsor Town Council Meeting
Town Hall
September 8, 2009**

The Windsor Town Council met in regular session on September 8, 2009 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Terry Whitehead, Town Deputy Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Sergeant Arlis Reynolds, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present: J. Clinton Bryant
Carita J. Richardson
Durwood V. Scott
Greg Willis

Council members absent: Wesley F. Garriss
William L. Jones

Mayor Crocker said Councilman Garriss is not feeling well, and Councilman Jones is out of town. He said they would not be attending the meeting tonight. Mayor Crocker said Mr. James Russell West passed away Saturday, September 5, 2009. Mayor Crocker said he was a former Mayor of the Town of Ivor. Mayor Crocker said he would like to send his condolences to his family. He asked Councilman Bryant to give the invocation, and he did.

Public Hearing

Mayor Crocker said The Town of Windsor is holding a public hearing pursuant to Virginia Code Section 15.2-202, on the matter of requesting the 2010 Session of the General Assembly to enact a new Town Charter for the Town of Windsor. He said the proposed Charter will replace the existing Town Charter that the General Assembly adopted in 1902, and last amended in 1988.

Mayor Crocker opened the public hearing. He asked for any persons wishing to speak in favor of the proposed new Town Charter to come forward at this time, and there were none.

Mayor Crocker asked for any persons in opposition of the proposed new Town Charter to come forward at this time.

Macon Edwards, 16 Virginia Avenue, said he is in favor of having a Town Administrator position, but not a Town Manager position. He said he feels that

the citizens of the Town of Windsor elect Council to represent the citizens. He said he expects Council's ideas to come forward, be presented, and move the Town forward. He said when a Town Manager is hired; the community gets one person's idea on how the way the Town should move forward. Mr. Edwards said usually this person is not a long-time citizen, and his ideas are entirely different from the citizens who have been here all of their lives. He said he would like to see Windsor grow, but with restrictions. Mr. Edwards said he would like Windsor to continue to be a small community like it is now.

Mr. Edwards said he read Article 4, Section 4.2 *Powers and duties of the town manager*. He asked if the Town Manager resigns, who would have power until the position was filled. He said Article 5, Section 5.1 *Creation of departments* states that the Council *may* establish all departments. Mr. Edwards said he thinks it should state that council *will* establish all departments.

Robert Beale, 201 Hidden Acres Circle, said he feels that the Town of Windsor should have the position of Town Administrator, instead of Town Manager. He said the citizens elect the Town Council to lead and direct. He said we don't need a "one horse carriage, we need a whole team pulling for us". He said he has spoken to several neighbors who could not attend this meeting, but they agree with him on this issue.

Kim Gore, 11131 Old Suffolk Road, said she does not feel that the Town Manager should have the right to make all the decisions for the residents. She said that is the job of Council. She said she does not agree with the Mayor voting. She said the Mayor should only vote when there is a tie vote among the other members of Council.

Ms. Gore asked if there were any future plans for a Police Department for the Town of Windsor. She said our Police Department should be up-to-date like other Police Departments in towns and counties near us.

Walter Bernacki, 24129 Johnson Avenue, said the citizens have enjoyed the way this Town has been governed. He said it has a system of checks and balances. He said this proposed Charter delegates a lot of responsibility and power to a Town Manager. He said there are situations with hiring and firing where a Town Manager could fire an employee simply because he does not like that employee. Mr. Bernacki said he feels that the Town Manager and Town Attorney should live within the town limits.

Mayor Crocker closed the public hearing. He said discussion among Council regarding the proposed new Charter will take place later on the agenda.

Delegations, Public Comments, and Citizens Concerns

Kim Gore, 11131 Old Suffolk Road, said two months ago the Virginia Department of Transportation (VDOT) changed the speed limit on Old Suffolk Road in front of her home from 25 mph to 35 mph. She said VDOT needs changed it back to 25 mph for safety reasons. She said she has a difficult backing out of her driveway, because vehicles are right on top of her. She said there are 12 children living on this stretch of road, and one is deaf in one ear. She said she would appreciate Council addressing this issue for safety reasons.

Robert Beale, 201 Hidden Acres Circle, said he attended the July Council meeting to discuss parking concerns on his street. He said he knows that VDOT has done a study, but he does not know the results of the study. He said he is a small business owner who pays taxes, and he is just asking for some cooperation. He said his driveway is blocked, and he cannot get deliveries. He said he is waiting to hear from the Town on what is going to be done to resolve this issue.

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the August 11, 2009 Council meeting, and the Treasurer's report. Councilman Willis made a motion to approve the consent agenda as received. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Town Manager's Report (Given by the Assistant Town Manager)

Discussion with MacFarland Neblett, P.E., VDOT Residency Administrator

Mr. Stallings said the first item is a discussion with MacFarland Neblett, VDOT Residency Administrator regarding transportation matters. Mr. Neblett said after receiving permission from the property owner, VDOT trimmed back the magnolia tree at the intersection of Church Street and North Court Street. He said the owner of the property was very concerned that too much was not cut back. He said he is in the process of approaching the Dairy Queen Manager regarding trimming back the crepe myrtle on Dairy Queen's property.

Mr. Neblett said he was asked to look into the double poles on Lover's Lane. He said the power company has put in new poles, and overhead telephone and cable TV lines are still on the old poles. He said he will find out if the power company will allow the placement of overhead telephone and cable TV lines on the power poles. He said both poles are outside the right-of-way.

Mayor Crocker asked Mr. Neblett to comment on Mr. Beale's parking issues on his street in Hidden Acres, and Ms. Gore's concerns regarding the speed limit change on Old Suffolk Road.

Mr. Neblett said he would contact VDOT's traffic engineer, and he will check the status of the study done regarding the parking issue in Hidden Acres Circle.

Mr. Neblett said that VDOT changed the speed limit on Old Suffolk Road to 35 mph after its traffic engineers had conducted a study of this section of the road. He said from the study, the traffic engineers determined that 35 mph was the appropriate speed limit for that area. He said he would call the traffic engineers, and he will discuss with them the circumstances Ms. Gore brought up. He said he would request that the traffic engineers take another look at that area.

Mr. Neblett said he would discuss with the traffic operation engineers the possibility of having a generator or a stored battery put at the six-way intersection, in case power goes out.

Mr. Neblett said VDOT's materials engineers have looked at the concrete slabs in front of the Post Office. He said he will contact them, and move ahead on correcting the problem.

Mayor Crocker thanked Mr. Neblett for coordinating the repairs to Joyner's Avenue.

Mayor Crocker said the Town recognizes the intersection of Church Street and North Court Street as a blind corner due to the visibility problems with the magnolia tree. He said the property owner is telling VDOT how much it can trim the tree back. Mayor Crocker asked Mr. Pretlow how much liability the Town has after going through VDOT to request removal of the obstruction that causes the blind spot on that corner. Mr. Pretlow said the Town has no liability. Mr. Pretlow said VDOT can trim vertically as high as it needs, regardless of the homeowner's request or direction.

Councilwoman Richardson said having the crepe myrtles cut back at Dairy Queen will not solve the visibility problem at the intersection of Routes 460 and 258 because they will just grow back. She asked Mr. Neblett if he would suggest to Dairy Queen's manager that he either remove the crepe myrtles removed or cut then completely to the bottom so they will grow slower. Mr. Neblett said he would address this issue with the Dairy Queen's manager.

Councilman Scott asked if the limbs were trimmed back on Lover's Lane. Mr. Stallings said he would check, and report back to Council.

Councilwoman Richardson said a citizen had a complaint regarding double poles located on the corner of Deer Path and Shiloh drive, which is obstructing the

view. Councilman Willis said the new poles have been up for over a year. Mr. Neblett said he would check into this matter, and he will report back to Council.

Work Session on Sidewalks

Mr. Stallings said the Town is receiving approximately \$65,000 in federal stimulus money from the Transportation Planning Organization, and the Town must use these funds for a transportation related project. He said the Capital Improvement Program (CIP) that Council approved with the adoption of its 2009-2010 budget programs this money for the construction of new sidewalks. He said because this money is part of the Federal program to quickly stimulate the nation's economy by the spring of 2010, one must use these funds for nearly "shovel ready" projects.

Mr. Stallings said Council asked staff to determine the best locations for the construction of these sidewalks within existing right-of-way, and staff is doing that work. He said this is an extensive effort, and staff will complete this work shortly after this Council meeting. Mr. Stallings said he recommends that Council schedule a work session at 4:00 pm, Tuesday, September 15, 2009, so staff can present Council with findings and work product. He said that at this work session staff will provide Council with a recommendation for the locations of the construction of the sidewalks with this particular Federal funding. Mr. Stallings said once Council decides on the locations for the new sidewalks, then staff will proceed with the engineering work for the same. He said the Town must complete the construction work by March 2, 2010; therefore, we will keep this on a fast-track.

Councilwoman Richardson made a motion that Council hold a work session on the new sidewalks included in the 2009-2010 capital budget at 4:00 pm, Tuesday, September 15, 2009. Councilman Willis seconded. Council passed the motion unanimously as recorded on the attached chart as motion #2.

Parking Regulation Ordinance

Mr. Stallings said at the last meeting, Mayor Crocker asked that staff provide Council with a status report on the development of new parking regulations for the Town of Windsor. He said Town staff and the Town Attorney are researching what regulations other localities have in place, in order to determine what will work the best for Windsor. Mr. Stallings said staff is looking at those regulations that address the location, type, and number of vehicles that one can park on a residential lot.

Mr. Stallings said staff has found one issue from another locality that it is researching further. He said if the Town regulates parking in residential zones using Town's zoning ordinance, then the Town could open the possibility of the existing parking conditions on any given residential being considered

“grandfathered” as an existing non-conforming use; consequently, the new parking regulations would not apply to that particular residential lot.

Mr. Stallings said the Planning Commission was briefed on this work during the Planning Commission’s August 2009 meeting. He said staff will continue to provide Council with status reports on this matter.

Discussion on the Proposed New Town Charter

Mr. Stallings said there are two replacement pages, which are page six and page eight, to the proposed Town Charter before Council for its review.

Mr. Stallings said as stated earlier on the agenda; staff has purposely kept the agenda for this Council meeting light so Council will have time to adequately discuss the proposed new Town Charter. He said the proposed new Charter that Council are considering is not an “*all or nothing*” type document. He said if the majority of Council wants to change any of the language in this draft, then Council can do so. He said Council does not have to vote down the entire draft just on the basis of discomfort with a particular section.

Councilman Willis asked if the Mayor is given the authority to vote, will he continue to vote in the number seven position, or will he fall into the rotation. Mr. Stallings said the Mayor would fall into the voting rotation.

Councilwoman Richardson said she does not feel that the vote itself is going to make any difference, unless we have a Council person out, because of the number. She said if we have a Council person out, then it could end in a tie vote with no tie breaker, which means the motion would fail. She said she agrees with Councilman Garris when he said he feels like Council should leave the Charter as it is, regarding the Mayor voting. She said for over 100 years in the original Charter, the Mayor voted only when a tie breaker was needed, and it has worked, and served the Town very well.

Councilwoman Richardson said Council has received a lot of comments from the citizens tonight regarding the proposed Charter. She said two Council members are not present tonight, and with the importance of this Charter, she feels Council needs to have everyone present, and get everyone’s input before we make a motion. She said she would like to take the original Charter with the proposed Charter, and do a side-by-side comparison. She said she is in favor of having a work session to discuss the citizens’ concerns, and make sure we understand what is being changed on the Charter.

Mayor Crocker said the Mayor needs to be somewhat guarded of his vote, if he votes last. Mayor Crocker said he leans towards electronic voting, and the Mayor voting with the Council members, because he is part of Council. He said the

Mayor would be more apt to express his opinions before voting, and no one would know the results until everyone had cast their vote.

Mayor Crocker said he is open for discussion on the proposed Charter. He said he thinks the Manager, with Council's input, has done well to get the proposed Charter to this point.

Mayor Crocker said if the Town has a Town Administrator, it will only change his title, it will not change his position. He said if the Town Manager resigns, or is let go, Council will take responsibility to see that the job gets done by the appropriate people. He said Council can hire an interim Town Manager until Council appoints a new Town Manager just like we are doing now.

Mayor Crocker asked Mr. Stallings if he could do research to find out how other localities are voting. Mr. Stallings said he would research that information, and report back to Council.

Councilman Bryant said he has seen information regarding how other localities vote in a document at a Virginia Municipal League (VML) conference he attended. Mr. Stallings said he would contact the VML.

Councilwoman Richardson made a motion that Council hold a work session on the proposed New Town Charter at 4:00 pm, Wednesday, September 23, 2009. Councilman Bryant seconded. Council passed the motion unanimously as recorded on the attached chart as motion #3.

Calendar of Events

Mr. Stallings said the calendar of events is in Council's agenda packet for Council's information.

Isle of Wight County Industrial Development Rezoning Application

Mr. Stallings said the Town received rezoning documents for the proposed Isle of Wight County Industrial Development Authority Shirley T. Holland Phase III Expansion for Council's review and comments. Mr. Stallings said he has completed a thorough review of the rezoning application, and Council should have a copy of his comments before them. Mr. Stallings asked Council to review his comments, and provide him with any comments they may have by Friday, September 11, 2009. He said comments are due back to Isle of Wight on Tuesday, September 15, 2009. Mr. Stallings said a copy of the rezoning documents are available for Council's review at the Town Hall.

Police Chief's Report

Mr. Stallings said Sergeant Reynolds will give the Police Chief's Report tonight because Chief Porti is out of town at training. He said Sergeant Reynolds will discuss the results of two critical outstanding investigations.

Sergeant Reynolds said the Police made 175 traffic stops for the month of August, 2009, which resulted in 141 traffic summons issued and 34 warnings given.

Sergeant Reynolds said as Council knows, Dairy Queen was the victim of an armed robbery on July 22, 2009. He said that the Police apprehended one suspect shortly after the robbery, and that they identified two other suspects. He said of these two, the Police arrested Alvaughn Davis, and he is being held without bond on multiple felony charges. He said Davis is the suspect that allegedly entered the store. Sergeant Reynolds said the third suspect is still at large with charges outstanding for his arrest for his role as the alleged driver of the get-a-way vehicle.

Sergeant Reynolds said Police arrested Adam D. Franklin, who is allegedly one of the gang leaders and gang recruiters in the Windsor area, on multiple gang related felonies. He said his arrest is the result of a year-long investigation into local gang activity.

Town Attorney's Report

Mr. Pretlow said the Town still has the Rural Development loan for the water system outstanding. He said it will be awhile before it is completed. He said since the Town started this project, the attorney (bond counsel), Doug Lamb, who handled the related bond issue, is now leaving the Hutton and Williams law firm. He said Mr. Lamb is joining the McGuire Woods law firm. Mr. Pretlow said he has worked with Mr. Lamb on four other projects, other than this project. Mr. Pretlow said he has found him to be very professional, and he does an excellent job. He said the Town has three options as it relates to its bond counsel; it can go with another attorney in the Hutton and Williams law firm, go with McGuire Woods and continue to work with Mr. Lamb, or the Town can choose a third attorney – one not affiliated with either Hutton and Williams or McGuire Woods. Mr. Pretlow recommended that Council stay with Mr. Lamb, who is now working at McGuire Woods, because he is already into the process and knows the process that is ongoing.

Councilwoman Richardson asked if the Town can be assured that the cost will remain the same. Mr. Pretlow said the cost will remain the same.

The consensus of Council was to stay with Doug Lamb, who will now be working with McGuire Wood. Mr. Pretlow said he would send a letter to Hutton and

Williams asking that they allow Mr. Lamb to take the Town of Windsor file with him.

Mr. Pretlow said he received and reviewed the rate increase information booklet published by Dominion Resources. He said it contained Dominion Resource's technical and cost related information that it has filed with its rate increase application with the State Corporation Commission.

Mayor's Report

Mayor Crocker said the Isle of Wight Board of Supervisor's action list is in the Town office for Council's review. He said Mr. Stallings made arrangements for Council to tour the Emergency Center at Isle of Wight. He said Rusty Chase explained the various operations of the center. Mayor Crocker said he was very impressed with Mr. Chase's presentation.

Other Reports

Councilwoman Richardson said she would like to thank Councilman Scott for all the time he spent in getting the Town money from Isle of Wight County to put the three flowers beds in various locations of the Town. She said they add quite a bit of beauty to the Town. She said he has spent a great deal of time making sure they were watered.

Councilman Scott said he would like to thank the Windsor Fire Department for their efforts in keeping the beds watered.

Planning Commission

Mr. Stallings said the Planning and Zoning report for the month of August is before Council. He said the Town issued zero zoning permits and seven notices of violations. He said the Town cut several individuals' grass that did not respond to the violation notice.

Mr. Stallings said the next Planning Commission meeting is scheduled for 7:00 p.m. on September 23, 2009.

Old or Unfinished Business

None.

New Business

None

Councilwoman Richardson made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for the purpose of discussing personnel matters. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Councilwoman Richardson made a motion to go back into regular session. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Councilman Willis made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Councilman Willis made a motion to adjourn. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7. The meeting adjourned approximately at 8:45 p.m.

Marvin A. Crocker, Jr., Mayor

Terry Whitehead, Deputy Clerk

TOWN OF WINDSOR
RECORD OF
COUNCIL VOTES

Council Meeting Date September 8, 2009

Motion #	Jones	Bryant	Scott	Willis	Richardson	Garris	M. Crocker
1	A	Y	Y	Y	Y	A	
2	A	Y	Y	Y	Y	A	
3	A	Y	Y	Y	Y	A	
4	A	Y	Y	Y	X	A	
5	A	Y	Y	Y	Y	A	
6	A	Y	Y	Y	Y	A	
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Windsor Town Council
September 8, 2009
Jerry Whitehead, Deputy Clerk/Treas.